

Minutes
Nevada State Emergency Response Commission
Fourth Quarterly Meeting
Clark County Government Center
500 S. Grand Central Parkway, Pueblo Room
Las Vegas, Nevada
October 13, 2005

Members Present

Richard Brenner
Richard Mirgon
Susan Crowley
Tom Czehowski
Larry Farr
Senator Dennis Nolan
Jim O'Brien
B. Jim Reagan
Frank Siracusa
Brett Skinner
Doyle Sutton
Douglas Webb

Guests

Robert Fash
Stacey Giomi
Kathy Brady
Wendy Kirby Simental
Kamala Carmazzi
Denise Parsons
Michael Ardito
Ernest Lorelli

Staff

Karen Kennard
Bruce Ferrel
Glade Myler

I. Call to Order

Co-Chairman Richard Mirgon called the meeting to order at 11:35 a.m.

II. Introductions

Members, guests and staff introduced themselves as shown above.

III. Approval of August 2, 2005 meeting minutes

Jim O'Brien made a motion to approve the minutes of the August 2, 2005 SERC Quarterly meeting. Doug Webb seconded the motion which was approved unanimously.

IV. Public Comment

Glade Myler, Sr. Deputy Attorney General discussed a possible conflict discovered in statutes regarding the license plate revenue. NRS 459.135 gives the spending authority to SERC. However, Department of Motor Vehicles' statute, NRS 482.379365 references expenditures to be made pursuant to NRS 414.135, the statutes governing Department of Public Safety (DPS), Division of Emergency Management (DEM). Kamala Carmazzi of DEM addressed this issue. Mr. Mirgon directed staff to request an LCB opinion and/or the intent of the statutes. It is the intention of the SERC that LCB correct the conflict as appropriate now or during the next legislative session.

Ernest Lorelli of the Nevada State Vulnerability Assessment Team introduced himself and made a brief presentation. He advised they had been contracted by

the Nevada Homeland Security Commission to conduct a vulnerability assessment. The team has been working with DEM looking at the baseline evaluation. They are also working with the FBI, Secret Service, and Department of Defense on a threat assessment and to develop an all hazards approach taking into consideration national security, technical disaster, natural hazards and cyber. They are working with law enforcement and LEPCs looking at high threat/high risk target areas, information sharing, interoperability, public awareness, emergency operations, mutual aid, training/exercise evaluation, EMS capability, and cyber infrastructure. They provided handouts of their assessment worksheets and related information.

Mr. O'Brien reported Clark County has received approximately 4,200 self-evacuees due to Hurricane Katrina. Housing the evacuees has become a major issue for the County. The processes are taxing the social service system. He advised lessons learned include being aware that someone else's emergency may become yours. There have been 250-400 people per day processed through the assessment centers. Federal reimbursement is expected of approximately \$900,000 to date. The Red Cross has contributed approximately \$1 million of assistance in Clark County. Jim Reagan informed the SERC of Sierra Pacific Power Company's waiver of new service utility hook-ups of approximately \$15,000.

V. Old Business

A. Discussion/Action regarding LEPCs which remain out of compliance for 2006 SERC grants awarded in April 2005

Discussion was held regarding the lack of administrative compliance of Nye and Lander LEPCs. These LEPCs were provided grant awards with contingencies in April and continue to be out of compliance. Larry Farr made a motion to advise the LEPC chairs and the county commissions via certified mail that the grant will be deobligated if contingencies are not met within 45 days of receipt of the notice. Susan Crowley seconded the motion which was approved unanimously.

The SERC continued with discussion on how to resolve the compliance issues with no further direction given.

At 12:00 p.m., a short recess was taken at until 12:07 p.m. at which time the meeting continued.

VI. NEW BUSINESS

A. Local Emergency Planning Committee Updates

Kathy Brady reported the Esmeralda LEPC will be conducting a hazmat/terrorism exercise on October 22, 2005. They have hired a new secretary for the LEPC. She also reported having law enforcement involvement in the LEPC.

Ms. Crowley mentioned Clark County received a lot of press on the “Loaded Dice” exercise.

B. U.S. Environmental Protection Agency Update

Michael Ardito supplied a handout to all present and made a brief presentation.

C. U.S. Federal Emergency Management Agency Update

There was no FEMA representative present and Mr. Ardito advised that Jim MacAulay has been reassigned to another section of FEMA.

Karen Kennard advised the SERC received the CERCLA grant award and subgranted it to Clark County LEPC to support HazMat Explo 9.

D. Occupational Safety and Health Administration Update

Tom Czechowski advised OSHA had nothing to report.

E. Nevada Division of Emergency Management Update

Frank Siracusa informed the SERC they are working on the printing of the State Comprehensive Plan. Distribution is expected to be soon and it will be sent to the SERC members. DEM will be holding an Emergency Managers’ Workshop on December 7, 2005 to discuss funding, grants and allocations. Also on the agenda to be discussed will be lessons learned from the hurricane emergencies, FEMA staff cuts and the plan for the State of Nevada and counties to take care of themselves.

Senator Dennis Nolan questioned if there is a plan to pay for emergency services and economic aid for this State in the event of a disaster on a National level. Mr. Siracusa responded there is not a plan in place. Discussion was held as to whether the State “rainy day” fund could be used or it was suggested funding could be handled at a local level. Mr. Farr indicated training at a recovery level should be accomplished. Mr. Myler underscored the need for mutual aid assistance. Senator Nolan suggested a resolution or legislation through FEMA or Congress should be developed for states to proceed internally to take care of their own. Through the SERC, he suggested developing an economic and physical recovery plan. Mr. Siracusa indicated he will be making a presentation at the November Interim Finance Committee meeting regarding response and recovery funding which falls under nationwide emergency management.

F. Nevada Division of Environmental Protection Update

Ms. Kennard advised Jolaine Johnson has resigned from the SERC as she has been reassigned to the Tahoe Regional Planning Agency. The Governor recently appointed Tom Porta, Deputy Administrator of NDEP, to the SERC.

G. Nevada State Fire Marshal Update

Doyle Sutton apologized for missing the last meetings and not having representation from the SFM. Mr. Sutton discussed the financial difficulties the SFM has had since the legislative session. He advised the Director of the DPS placed a freeze on the SFM budget which resulted in the cancellation of training classes and putting the hazmat program six to eight months behind schedule. With the assistance of a meeting between the SERC Co-chairs, the Executive Director and the Director of DPS, the program is up and running again.

1. Annual Hazardous Materials program report

Jim Hawke discussed programs supported by the SFM. SFM will be providing a Pipeline Community Awareness Program, train-the-trainer course. Mr. Hawke also indicated the SFM is in favor of obtaining an updated commodity flow study to determine what chemicals are being moved on Nevada highways. Mr. Hawke made a presentation on the SFM hazardous materials training program.

Mr. Sutton gave an explanation of the SFM budget. He advised there are five training coordinators who work with local department training officers. Richard Brenner asked if classes previously cancelled due to budget constraints had been rescheduled to which Mr. Sutton responded in the affirmative. Discussion was held regarding a business plan for obligation of the SFM training program and the associated funds. Staff was directed to send the SFM Annual Progress Reports to all members of the SERC.

H. Legislative Committee Report

No Legislative Committee meeting was held in the last quarter.

I. Strategic Planning Committee Report

No Strategic Planning Committee meeting was held in the last quarter.

J. Funding Committee Report

1. Discussion/Review/Action of fiscal year 2005 Hazardous Materials Emergency Preparedness (HMEP) "mid-cycle" grant application from Esmeralda LEPC

The SERC was advised of the Funding Committee's approval of Esmeralda LEPC's HMEP mid-cycle grant application.

2. Discussion/Review/Action of fiscal year 2006 HMEP grant applications

Ms. Kennard advised the SERC of the Funding committee's recommendation on the 2006 HMEP grant applications. The Committee's recommendation is to fund applications for the

HazMat Explo Conference based on two people per room at \$53.41; two people per car; deny Lincoln LEPC's request for attendance to NASTTPO; deny White Pine LEPC's request for Fire Rescue training; and deny the SFM application. Mr. Farr made a motion to approve applications as recommended by the Funding Committee. Mr. O'Brien seconded the motion. Mr. Sutton asked the basis for the denial of the SFM application to which Ms. Kennard responded the Funding Committee determined the first priority of these grant funds should be to support the training of first responders. A vote was called for and the motion was approved unanimously.

3. Discussion/Action on possible funding of the purchase of a copyright license for the "Fire Pal" children's educational compact disc

Discussion was held advising NASTTPO may gain permission to purchase a copyright for a compact disc geared for hazardous materials education for grades 1-3 called Fire Pal. The cost to the SERC will be approximately \$2,500 which could be funded through HMEP training dollars. Mr. Farr made a motion to approve funding for the purchase of the copyright license. Senator Nolan seconded the motion which was approved unanimously.

K. Bylaws Committee Report

No Bylaws Committee meeting was held in the last quarter.

L. Information Technology Committee Report

No Information Technology Committee meeting was held in the last quarter.

M. Policy Committee Report

- 1. Discussion/Action on possible revision to SERC policy 8.1, "Review of Annual Hazardous Materials Response Plan and Exercise Report form", regarding specific exercise reporting requirements**
- 2. Discussion/Action on possible revision to SERC policy 8.3, "Certified Assurances and Compliance Certification", requiring LEPC to hold quarterly meetings and the definition of quarterly meeting**
- 3. Discussion/Action on possible revision to SERC policy 8.3, "Certified Assurances and Compliance Certification", to include the requirements for publication of the Community-Right-to-Know**
- 4. Discussion/Action on possible revision to SERC policy 8.6, "Reporting", regarding the requirement to submit an annual progress report**

Ms. Kennard advised of the policy changes recommended by the Policy Committee. They are:

Policy 8.1 – To include exercise report forms be submitted within 60 days of the exercise or incident and contain a narrative of the scenario and any corrective actions necessary.

Policy 8.3 – To include requirements for quarterly LEPC meetings, definition of a meeting, possible waiver of a quarterly meeting, possible exemption of a quarterly meeting; and requirements of the EPCRA publication.

Policy 8.6 – To delete the requirement for an annual progress report.

Mr. Farr made a motion to approve the changes to SERC Policies 8.1, 8.3 and 8.6 as recommended by the Policy Committee. Mr. Czehowski seconded the motion which was approved unanimously.

5. Discussion/Action on possible development of a policy to accept a faxed or e-mailed document

Ms. Kennard advised the Policy Committee will be working on developing a policy regarding the acceptance of faxed or e-mailed documents.

6. Discussion/Action on setting a workshop to review all SERC policies focusing on permissive and mandatory language

Ms. Kennard advised the Policy Committee will be holding a workshop to review all grant management policies.

N. Discussion/Action on Nevada Revised Statute (NRS) 459.735 regarding SERC's fiduciary duty of the State Fire Marshal's Funding for hazardous materials training

Discussion on the SERC's fiduciary duty of the SFM surcharge deposited to the Contingency Account for Hazardous Materials was started and interrupted.

Q. Discussion/Action to approve authority for the SERC Executive Director to obligate SERC grant funds as needed to cover payroll expenses of Administrative Assistant for fiscal year 2006 and 2007

This item was taken out of order. Mr. Mirgon explained the applicant selected for the Administrative Assistant III position is currently a State employee earning a salary at a higher pay step than the SERC is budgeted for. Ms. Kennard advised approximately \$4,500 additional would be needed to cover salary and benefits for the remainder of the biennium. Mr. Farr motioned to approve the necessary funds to hire the applicant. Mr. Reagan seconded the motion which was approved unanimously.

Members of the SERC had to leave the meeting at 2:05 p.m. resulting in the lack of a quorum.

Discussion on item N, SERC's fiduciary duty of the SFM surcharge continued. Mr. Myler suggested a Bill Draft Request should be submitted to change the statute. Senator Nolan indicated he would introduce such a bill. This matter will be placed on a future Legislative Committee agenda.

O. Discussion/Action on commodity flow study in conjunction with Nevada Department of Transportation (NDOT)

Ms. Kennard advised the SERC of the results of research done regarding conducting a commodity flow study. Mike Lawson of Nevada Department of Transportation (NDOT) is the contact person for this type of activity. He cautioned against doing a study for study sake. He indicated NDOT could provide an update to the 1993 study by applying the percentages of hazardous materials at that time to the increase of truck traffic at this time.

Discussion was held indicating updated information would be useful to the LEPCs for training and community planning issues. It was mentioned the State does not track accidents involving hazardous materials separately. Discussion was held regarding options for accomplishing a new study. Use of University of Nevada at Reno or Las Vegas as a research project was suggested, however the overhead cost is too high.

Staff was directed to inquire of other state SERCs to get additional suggestions. Staff was also directed to obtain the suggested update from NDOT. The SERC would like to develop a template for the study to be used by all LEPCs. The Co-chairs will assign this project to a committee or, if needed, appoint a new committee to review options of accomplishing a comprehensive commodity flow study.

P. Discussion/Action on possible preapproval of the Planning and Training Subcommittee recommendation regarding the proposed questionnaire to identify levels of response and training

The SERC was advised of the Planning and Training Subcommittee's recommendation for a questionnaire designed to obtain LEPC annual input towards their levels of training. The Subcommittee continues to work on question #4. The information gathered from this questionnaire will be shared with all LEPCs in the State. It is anticipated the questionnaire will be completed and administratively sent to the LEPCs in January with a due date of January 31 each year to coincide with the submission of updated hazardous materials emergency response plans.

R. Executive Director Report

1. Database

Ms. Kennard advised the SERC the DPS, Division of Information Technology identified resources to cover the cost of the infrastructure to house the pending database. Documentation is still being worked on to gain the appropriate approvals to make a purchase of the database application.

2. Nevada Administrative Codes (NACs)

The request for NACs has been completed subject to some necessary changes as a result of motions from this meeting. There may be additional SERC meeting necessary to accomplish the public hearings and approvals of the NACs.

3. License plate funding

Ms. Kennard advised even though there are some issues with the expenditure of the revenue, over 11,800 license plates have been sold which equals approximately \$296,000. This would produce approximately \$237,000 annually in renewal fees.

4. Illinois lawsuit

Ms. Kennard advised the Illinois lawsuit continues. Discovery has been completed and answers to the complaint are pending.

5. Budget Closing

Ms. Kennard advised in budget closings, \$653,756 was balanced forward in SERC fees with \$446,827 obligated for SERC grants and HMEP match for a remaining amount of \$202,929 with approximately \$400,000 expected at the March 1 due date. Approximately \$202,000 was balanced forward in SFM surcharge fees with approximately \$300,000 expected at the March 1 due date.

6. Next Meeting

The next SERC Quarterly meeting is scheduled for January 12, 2006 in Las Vegas.

VII. ADJOURNMENT

The meeting was adjourned at 2:35.